

Appl. No. : 09/909,194
Filed : July 19, 2001

REMARKS

The Final Office Action mailed May 18, 2005 has been received and reviewed. By way of summary, Claims 1-23 were previously pending in this application. In response to the Examiner's request for restriction, Applicant has elected Claims 1-6, 8-15 and 19 (Group A) for prosecution on the merits without prejudice to canceled Claims 7, 16-18 and 20-23. Applicant reserves the right to pursue any non-elected claims in one or more divisional or continuation applications. In the present amendment, Applicant proposes to amend Claims 1, 8 and 15 and cancels Claims 7, 14, 16-18 and 20-23. Thus, Claims 1-6, 8-13, 15 and 19 remain pending in the application. Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the proposed amendments and the following arguments.

REJECTION OF CLAIMS 1-6, 8, 11-15 AND 19 UNDER 35 U.S.C. 102(b)

The Examiner rejected Claims 1-6, 8, 11-15 and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,644,723 to Deaton et al. ("Deaton"). Applicant respectfully disagrees with the Examiner's rejections and respectfully traverses this rejection, as discussed below.

Deaton fails to identically teach every element of Claims 1-6, 8, 11-15 and 19. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

Regarding Claim 1, Applicant respectfully submits that Deaton does not teach or suggest, among other things, "a user module configured to manage preferences, wherein the user module is further configured to manage a plurality of user accounts for transferring funds." The Examiner has cited col. 78, lines 2-8 and col. 80, lines 1-10 of Deaton for the Examiner's assertion that Deaton teaches user account information. The Applicant respectfully submits that the cited portions of Deaton merely teach that different forms of payment can be used to pay for purchases at a point-of-sale. In col. 78, lines 2-30, Deaton teaches using an account number to identify a customer, "thus saving the store from the difficulty and expense of issuing cards or identification numbers." Using an account number to identify a customer does not manage the account itself. Further, in col. 80, lines 1-10, Deaton teaches using a dial-up credit

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verification system when a customer uses a debit card to authorize the debit card transaction. Such verification that the account is a valid account does not manage the account. Rather, the verification merely verifies "that sufficient funds are available in the account indicated on the debit card." Thus, Applicant respectfully requests that the rejection be withdrawn.

While the Applicant disagrees with the Examiner's use of Deaton to reject Claim 1, Applicant proposes to amend Claim herein to include "the transaction module further configured to select at least one of the plurality of user accounts to use for a commercial transaction with the at least one of a plurality of merchants, wherein the selection is based at least in part on the at least one promotion." Deaton does not teach or suggest selecting a user account based at least in part on a promotion. Further, Applicant respectfully submits that the Examiner should enter the proposed amendment to Claim 1 as Applicant presumes that the Examiner already searched for the subject matter of the proposed amendment in relation to Claim 14. Thus, no new search would be required. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of Claim 1.

Regarding Claim 8, Applicant respectfully submits that Deaton does not teach or suggest, among other things, "matching at least one of the plurality of promotions to at least one of the plurality of users based at least upon a portion of the plurality of user information and the user account information," as proposed to be amended in Claim 8 (emphasis added). Rather, Deaton appears to be silent as to the subject matter of Claim 8, as proposed to be amended herein. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of Claim 8.

Claims 2-6, 11-13, 15 and 19 depend from allowable base claims and, for at least the reasons above, are believed to be patentable. Thus, allowance of Claims 2-6, 11-13, 15 and 19 is earnestly solicited.

CONCLUSION

The proposed amendments to Claims 1, 8 and 15 should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments

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do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing a Notice of Appeal herein.

In conclusion, Claims 1-6, 8, 11-13, 15 and 19 are believed to be in condition for allowance, and an early notification thereof is respectfully solicited. Should the Examiner determine that additional issues may be resolved by a telephone call, the Examiner is cordially invited to contact the undersigned so that such issues may be promptly resolved and the case passed to issuance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

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